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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,362	09/25/2001	Dan Dan Yang	42041-0003	5924

7590 07/29/2004  
Cassan Maclean  
Suite 401  
80 Aberdeen Street  
Ottawa, Ontario, K1S 5R5  
CANADA

EXAMINER

PAYNE, DAVID C

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/961,362

Applicant(s)

YANG ET AL.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Huddleston et al. US 5,099,348 (Huddleston).

Regarding claim 1, 6, 10, 12, 14, and 17 Huddleston disclosed

A method of communicating between a host optical system controller (Figure 3) and an optical sub-controller, the method comprising: sending an initial command message from said host to said sub-controller, said command message including a first command identifier indicating a command from said host to said sub-controller (e.g., Figure 6); receiving said first command message at said sub-controller; consulting a command database at said sub-controller to interpret said first command message, said database containing multiple possible valid command identifiers, (e.g., Figure 7); each command identifier having a corresponding interpretation and action in said database based on a specific type of optical device connected to said sub-controller; at said sub-controller, implementing an action corresponding to said first command message based on said corresponding interpretation of said command identifier and formulating a proper response to said command identifier based on a result of said corresponding action; and sending a response message from said sub-controller to said host, said response message indicating a success or failure of said corresponding action,

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wherein said sub-controller ignores subsequent command messages received prior to sending a response message responsive to the first command message (e.g., col./line: 21/60-67, 22/1-20).

Regarding claim 2 Huddleston disclosed

wherein each response message includes at least one optical parameter to be set by said optical sub-controller. (e.g., col./line: 20/10-15).

Regarding claim 3 Huddleston disclosed

wherein said first command message includes at least one optical parameter to be set by said optical sub-controller. (e.g., col./line: 8/20-30).

Regarding claim 4 Huddleston disclosed

wherein said first command message further includes at least one magnitude to which said at least one optical parameter is to be set. (e.g., col./line: 4/15-35).

Regarding claim 5 Huddleston disclosed

wherein said first command message further includes addressing data indicating a portion of an optical subsystem controlled by said optical sub-controller to which the command is to be applied. (e.g., col./line: 6/5-10).

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Regarding claim 7 Huddleston disclosed

wherein entries in said database are used by said sub-controller to interpret said command identifier received from said host. (e.g., col./line: 20/15-25).

Regarding claim 8 Huddleston disclosed

wherein said database further contains multiple valid responses to be sent from said sub-controller to said host in response to said command identifiers. (e.g., col./line: 21/60-67, 22/1-20).

Regarding claim 9 Huddleston disclosed

wherein each command identifier defines a format of data following said identifier in a message or response sent between said host and said sub-controller. (e.g., col./line: 9/15-25).

Regarding claim 11 Huddleston disclosed

wherein said command identifier is referenced in a database located at said optical sub-controller, said database including multiple possible valid command identifiers, an interpretation of said command identifier being dependent on said command identifier's entry in said database. (e.g., col./line: 7/9-15).

Regarding claim 13 and 18 Huddleston disclosed

wherein said command identifier is referenced in a database located at said optical sub-

controller, said database including all possible valid command identifiers. (e.g., col./line: 21/60-67, 22/1-20).

Regarding claims 15 and 16 Huddleston disclosed wherein step c) is accomplished by extracting a command identifier and addressing data from said command message. (e.g., col./line: 13/23-45).

Regarding claims 19-21 Huddleston disclosed wherein at least one command identifier in said set sets an alarm threshold for said at least one reconfigurable optical device, said alarm threshold determining when said at least one reconfigurable optical device exceeds acceptable operating limits. (e.g., col./line 11/45-60).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp



David Payne

Patent Examiner

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